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Attorneys for the United States of America

10 UNITED STATES DISTRICT COURT
11
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION

14 UNITED STATES OF AMERICA *ex*
rel. [UNDER SEAL],

15 Plaintiff[s],

16 v.

17 [UNDER SEAL],

18 Defendant[s].
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No. CV 15-09055 FMO (JCx)

THE GOVERNMENTS' NOTICE OF
ELECTION RE INTERVENTION AND
STIPULATION RE UNSEALING OF
CASE

[FILED UNDER SEAL PURSUANT TO
THE FALSE CLAIMS ACT, 31 U.S.C.
§§ 3730(b)(2) AND (3)]

[LODGED CONCURRENTLY UNDER
SEAL: [PROPOSED] ORDER]

Lodged
Proposed
Order
ORIGINAL

2019 AUG 21 PM 3:01
CENTRAL DISTRICT COURT
CLERK
CLERK OF COURT
CLERK OF COURT

FILED

ORIGINAL

lodged propose order

2019 AUG 21 PM 3:02
U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

FILED

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rel. [UNDER SEAL],

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10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION

13 UNITED STATES OF AMERICA and
14 STATE OF CALIFORNIA *ex rel.*
RUBIE ALLAN,

15 Plaintiffs,

16 v.

17 CALIFORNIA DRUG
18 COMPOUNDING LLC; MICHAEL
HEALD; IRMA DIAZ; JORGE
19 GONZALES-BETANCOURT; and
DOES 1 through 10,

20 Defendants.
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No. CV 15-09055 FMO (JCx)

THE GOVERNMENTS' NOTICE OF
ELECTION RE INTERVENTION AND
STIPULATION RE UNSEALING OF
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THE FALSE CLAIMS ACT, 31 U.S.C.
§§ 3730(b)(2) AND (3)]**

[LODGED CONCURRENTLY UNDER
SEAL: [PROPOSED] ORDER]

1 Pursuant to the federal False Claims Act, 31 U.S.C. § 3730(b)(4)(A), the United
2 States of America (“United States”) notifies the Court of its election to intervene in this
3 action for settlement purposes against defendant Michael Heald (“Heald”). The United
4 States expects to finalize the settlement with Heald within the next 30 days, and
5 promptly after the United States receives the agreed-upon initial settlement payment, to
6 file jointly, with the *qui tam* plaintiff, Rubie Allan (“relator”), a stipulated request for
7 dismissal of this action as to Heald.

8 Pursuant to the California Insurance Frauds Prevention Act, Cal. Ins. Code §
9 1871.7(e)(4)(B), the State of California (“California”) notifies the Court of its election to
10 decline to intervene in this action with respect to Heald.

11 Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), and the California
12 Insurance Frauds Prevention Act, Cal. Ins. Code § 1871.7(e)(4)(B), the United States and
13 California (collectively “Governments”) further notify the Court of their election to
14 decline to intervene in this action with respect to the remaining three defendants: Irma
15 Diaz, Jorge Gonzales-Betancourt, and California Drug Compounding LLC. The
16 stipulated request for dismissal identified above will include the relator’s request to
17 voluntarily dismiss the action as to these three defendants, and also the Governments’
18 consent to such dismissal.

19 The Governments have completed their investigation and made their election;
20 thus, there is no further need for the seal. *See* 31 U.S.C. § 3730(b)(3) & (4). The
21 Governments and the relator therefore stipulate that the case should be unsealed, with
22 certain exceptions, as follows: The relator’s Complaint, this Notice, and the Court’s
23 Order thereon should be unsealed. All other documents previously filed or lodged with
24 the Court in this action should remain permanently under seal because such papers were
25 provided by law to the Court alone for the sole purpose of discussing the content and
26 extent of the Governments’ investigation, and, thereby, evaluating whether the seal and
27 time for making an election should be extended. All papers hereafter filed or lodged in
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1 this action should not be sealed.

2 A proposed Order accompanies this notice and stipulation.

3 Respectfully submitted,

4 Dated: August 21, 2019


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GREG ASLANIAN

7 Attorney for Relator
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1 Dated: August 21, 2019

CALIFORNIA DEPARTMENT OF INSURANCE
FRAUD LIASON BUREAU

2 MITCH NEUMEISTER By

3 
4 MITCH NEUMEISTER
5 STEVEN J GREEN, SBN 73705
6 Attorneys for the State of California

7 Dated: August , 2019

LOS ANGELES COUNTY DISTRICT
ATTORNEY'S OFFICE

8 [See next page]

9 JENNIFER SNYDER
10 Head Deputy,
11 Healthcare Insurance Fraud Division
12 Attorneys for the State of California

13 Dated: August 21, 2019

14 NICOLA T. HANNA
15 United States Attorney
16 DAVID M. HARRIS
17 Assistant United States Attorney
18 Chief, Civil Division
19 DAVID K. BARRETT
20 Assistant United States Attorney
21 Chief, Civil Fraud Section

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23 FRANK D. KORTUM
24 Assistant United States Attorney

25 Attorneys for the
26 United States of America
27
28

1 Dated: August , 2019

CALIFORNIA DEPARTMENT OF INSURANCE
FRAUD LIASON BUREAU

[see preceding page]

MITCH NEUMEISTER

Attorneys for the State of California

7 Dated: August 21, 2019

LOS ANGELES COUNTY DISTRICT
ATTORNEY'S OFFICE

Jennifer Snyder
JENNIFER SNYDER

Head Deputy,
Healthcare Insurance Fraud Division

Attorneys for the State of California

13 Dated: August 21, 2019

NICOLA T. HANNA
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DAVID M. HARRIS
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Frank D. Kortum

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Assistant United States Attorney

Attorneys for the
United States of America

PROOF OF SERVICE BY MAIL

I am over the age of 18 and not a party to the above-captioned action. I am employed by the Office of United States Attorney, Central District of California. My business address is 300 North Los Angeles Street, Suite 7516, Los Angeles, California 90012.

On August 21, 2019, I served THE GOVERNMENTS' NOTICE OF ELECTION RE INTERVENTION AND STIPULATION RE UNSEALING OF CASE on each person or entity named below by enclosing a copy thereof in an envelope addressed as shown below and placing the envelope for collection and mailing on the date and at the place shown below following our ordinary office practices. I am readily familiar with the practice of this office for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

Date of mailing: August 21, 2019. Place of mailing: Los Angeles, California.

Person(s) and/or Entity(s) to whom mailed:

MITCHELL S. NEUMEISTER
California Dept. of Insurance
300 Capitol Mall, Fl. 16
Sacramento, CA 95814

GREG ASLANIAN
The Aslanian Law Firm, PC
275 E. California Blvd.
Pasadena, CA 91106

JENNIFER L. SNYDER
Deputy District Attorney
211 W. Temple St., Fl. 10
Los Angeles, CA 90012

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 21, 2019, at Los Angeles, California.



ROZ DAVIS